

Committee Room,  
Austin, Texas, May 10, 1937,  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 231 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, May 7, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 476, 472, and 247 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### SEVENTY-FOURTH DAY.

(Wednesday, May 12, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Monday, May 10, 1937, was dispensed with, on motion of Senator Roberts.

#### Reports of Standing Committees.

Reports on S. B. No. 515, and on H. B. Nos. 967 and 1061 were submitted by the chairmen of the several committees to which they were

referred. (See appendix for reports in full.)

#### Senate Concurrent Resolution No. 65.

Senator Woodruff offered the following resolution:

Be It Resolved by the Senate of the Legislature of the State of Texas, the House of Representatives concurring, That the Motor Carrier Act, and amendments thereto, of this State, shall be construed, pending further legislative enactment with reference thereto, to mean that it shall not be necessary for a private carrier to procure a permit from the Railroad Commission of Texas to transport his own goods, wares, and merchandise in his own motor vehicles over the highways of this State; that it was not the intention of the Legislature in enacting the Motor Carrier Act of this State, and amendment thereto, to include the regulation of motor vehicle upon the highway of this State owned by persons, firms, and corporations and operated in the transportation of goods, wares, and merchandise owned by the owner of said vehicles, and be it further

Resolved, That the fact that a seller of merchandise who transports such merchandise from one place to another in the motor trucks owned by the seller, who adds to the sale price of such merchandise at point of delivery a charge to cover a part or all of the cost of transportation is not engaged in transporting for hire, as that term is defined in the Motor Carrier Act of this State, and is not subject to the provisions of said Act nor to any rule or regulation promulgated pursuant thereto by the Railroad Commission of the State of Texas. Be it further

Resolved, That this resolution be published to the Railroad Commission of Texas, the law enforcement officers and the courts of this State.

The resolution was read.

On motion of Senator Woodruff and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

**Senate Bill No. 140 With House Amendments.**

Senator Redditt called up S. B. No. 140 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Redditt moved that the Senate do not concur in the House amendments to the bill and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following free conference committee on the part of the Senate:

Senators Redditt, Winfield, Holbrook, Brownlee and Oneal.

**Senate Resolution No. 89.**

Senator Burns offered the following resolution:

Whereas, The funeral of Dr. H. Y. Benedict, President of the University of Texas, is to be held at four o'clock today, and

Whereas, The Senate has not had time to prepare an appropriate and fitting resolution on the untimely passing of this great educator, therefore be it

Resolved by the Senate of Texas, That the Lieutenant Governor is hereby authorized to appoint a committee from the Senate to attend the funeral of Dr. Benedict.

The resolution was read and by unanimous consent of the Senate, was adopted at this time.

**Senate Concurrent Resolution No. 66.**

Senator Aikin offered the following resolution:

Whereas, The Rural Aid bill is pending in the Senate, and

Whereas, It is highly imperative that this appropriation bill for the rural schools be passed at the earliest possible time. Now, therefore be it

Resolved by the Senate, the House of Representatives concurring, That the Rural Aid bill be taken up and considered by the Senate until passed.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the Senate rule

requiring concurrent resolutions to be referred to a committee was suspended and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

**Senate Resolution No. 90.**

Senator Rawlings offered the following resolution:

Whereas, The Constitution of this State places the responsibility upon the members of Legislature to determine the purposes for which the revenue of the State of Texas may be expended, and

Whereas, During each biennium there is expended in the State of Texas by the State Government alone approximately Two Hundred and Fifty Million (\$250,000,000.00) Dollars, only approximately Fifty Million (\$50,000,000.00) of which is accounted for in the regular appropriation bills, and

Whereas, Under the existing system the Legislature has no means of determining whether or not the Fifty Million (\$50,000,000.00) Dollars carried in regular appropriation bills is expended in accordance with the mandate of the Legislature, nor has the Legislature any detailed information concerning the collection and expenditure of the remaining Two Hundred Million (\$200,000,000.00) Dollars not carried in regular appropriations, and

Whereas, Regardless of the amount of taxes raised, at each session of the Legislature, we are confronted with insistent demands that new taxes be levied, to care for additional proposed governmental expenditures, and

Whereas, the Legislature cannot pass intelligently upon these constant demands for more money to spend without first knowing whether or not the money now being expended is expended in accordance with law and with due regard to economy, and

Whereas, The constant demand to pass new tax bills reflects the fact that the expenditures of the State Government are growing far more rapidly than can be supported by the normal expansion of business and industry, and

Whereas, We are fast approaching the point where taxes exceed the ability of the taxpayer to pay and still the Governmental deficit increases and the demands for more revenue likewise increase, creates a situation making it imperative that the Legislature be adequately and fully informed concerning the purpose and methods of expenditure of State revenue. Now, therefore be it

Resolved, That a Senate Auditing and Investigation Committee, to be composed of the Chairman of the Committee on Finance, the Chairman of the Committee on Civil Jurisprudence, and the Chairman of the Committee on State Affairs, which Committee shall be authorized to employ a Certified Public Accountant, together with such assistants as the Committee may deem necessary to make a detailed inquiry into the general operation of all State Governmental Departments, Board, Institutions and Agencies, for the purpose of ascertaining whether or not public funds now handled by said Governmental Departments, Institutions and Agencies, are being administered and expended in accordance with law; to determine the needs of such Institutions and Agencies; to ascertain and make recommendations back to the Senate concerning economies which can be effected through the elimination of duplication and inefficient organization of such Governmental Departments, Institutions and Agencies. Be it further

Resolved, That this Committee shall have the authority to subpoena any employee in any department of State Government to appear before such Committee, at the time and place designated by said Committee, and the Committee shall have access to all books and records of any and all departments of State Government, in order to secure necessary facts and information.

The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Regular Session of the Forty-fifth Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated

out of the mileage and per diem and contingent fund of said Regular Session of the Forty-fifth Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation. Be it further

Resolved, That this Committee report to the Senate from time to time and that a final complete and printed report be completed by the Committee and a copy of said report be furnished to the Governor, the Lieutenant Governor, copy filed with the Secretary of State, which copy shall be open to public inspection, and the Committee shall print 1000 copies for public distribution, all of which shall be completed 60 days before the convening of the next Regular Session of the Texas Legislature.

The resolution was read.

(Senator Burns in the Chair.)

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended, to permit consideration of the resolution at this time.

Senator Rawlings offered the following amendment to the resolution:

Amend the resolution so as to confer that authority granted in the resolution upon the committee heretofore appointed pursuant to Senate Resolution No. 12.

The amendment was adopted.

The resolution as amended was adopted.

#### Senate Bill No. 405 with House Amendments.

Senator Collie called up S. B. No. 405 from the President's table, for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate, and the House amendments were read.

Senator Collie moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### House Bill No. 36 Set as Special Order.

Senator Head moved that H. B. No. 36 be set as a special order for

tomorrow, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

## Yeas—21.

Aikin	Oneal
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Head	Shivers
Hill	Small
Holbrook	Stone
Isbell	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	

## Nays—6.

Collie	Spears
Davis	Van Zandt
Nelson	Woodruff

Present—Not Voting.

Rawlings

Absent.

Beck	Sulak
Lemens	

## Motion to Suspend Regular Order

Senator Weinert moved that the regular order of business be suspended and that H. B. No. 158 be called from the President's table for further consideration at this time (the bill heretofore having been tabled subject to call).

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—16.

Aikin	Neal
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Spears
Holbrook	Weinert
Moore	Westerfeld
Lemens	Winfield

## Nays—10.

Davis	Oneal
Head	Pace
Hill	Shivers
Isbell	Van Zandt
Nelson	Woodruff

Absent.

Beck	Stone
Newton	Sulak
Small	

(President in the Chair.)

## Committee Substitute for House Bill No. 23 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to take up and have placed on its passage to third reading (the bill having been read second time and tabled subject to call on April 20, 1937):

C. S. for H. B. No. 23, A bill to be entitled "An Act to amend S. B. No. 29, Chapter 13, Section 8, Fourth Called Session, Forty-first Legislature, reaffirming certain leases heretofore entered into by the Board created by said Act, and declaring an emergency."

The President laid the bill before the Senate on its passage to third reading.

(Senator Rawlings in the Chair temporarily.)

(President in the Chair.)

Senator Moore offered the following amendments to the bill:

(1)

Amend the substitute for H. B. No. 23 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Section 8 of Chapter 13, S. B. No. 29, Acts, Fourth Called Session, Forty-first Legislature, is hereby amended so as to read hereafter as follows:

"Sec. 8. If the Board shall determine that a satisfactory bid has been received for said oil and gas, it shall be filed in the General Land Office. Whenever the royalty shall amount to as much as the yearly payment as fixed by the Board, the yearly payment may be discontinued. If before the expiration of five years oil and/or gas shall not have been produced in paying quantities, the lease shall terminate."

Sec. 2. Chapter 13, S. B. No. 29, Acts, Fourth Called Session, Forty-first Legislature, is hereby amended by adding thereto a new Section to be known as Section 8-a and reading as follows:

"Sec. 8-a. The operations for drilling for oil and gas and the production therefrom under any lease

made by the Board under the authority given in this Act shall be subject to all laws of the State of Texas and orders made by the Railroad Commission of Texas under such law regulating and controlling the development of leases for the production of oil and gas, and the production of oil and gas therefrom. The Board shall incorporate this provision in each and every lease executed under the authority of this Act."

Sec. 3. Any five-year lease heretofore entered into by such Board shall not be considered terminated by failure to produce oil or gas thereunder within three years from the date of such lease; and any such lease shall be in effect for five years from its date if otherwise in good standing and all other terms and conditions of such lease and the law applicable thereto have been heretofore and are hereafter met and carried out.

Sec. 4. The fact that the present law contains contradictory statements concerning the term of such leases creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend the substitute to H. B. No. 23 by striking out all above the enacting clause and inserting in lieu thereof the following:

**A BILL**

to be entitled

An Act amending S. B. No. 29, Chapter 13, Acts Fourth Called Session, Forty-first Legislature; eliminating certain contradictory provisions in such Act as to the term of the leases thereunder; providing that any five-year lease heretofore entered into shall not be terminated by failure to produce oil or gas thereunder within three (3) years from the date of such lease if such lease is otherwise in good standing and all terms of the law have been complied with; providing that drilling

operations and production from leases granted under such Act shall be subject to all laws of the State and orders of the Railroad Commission pursuant thereto; and declaring an emergency.

The amendments were adopted severally.

C. S. for H. B. No. 23 then was passed to third reading.

**Committee Substitute for House Bill No. 23 on Third Reading.**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for H. B. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31.**

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—27.**

Beck	Pace
Brownlee	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

## Nays—1.

Aikin

Absent.

Burns

Weinert

Nelson

**Committee Substitute for House Bill  
No. 16 on Second Reading.**

The President laid before the Senate as a special order for this hour, on its second reading and passage to third reading:

C. S. for H. B. No. 16, A bill to be entitled "An Act to add new Sections to be known as Sections 6-A, 8-A, 8-B, 8-C, 9-A, 9-B, 9-C, 16-A, 16-B, 16-C, 16-D, 19-A, 19-B, 19-C, 19-D, and 19-E to, and to amend Sections 7, 15 and 17 of S. B. No. 15, Chapter 466, page 1785, of the General and Special Laws passed by the Second Called Session of the Forty-fourth Legislature, of the State of Texas, which Act relates to the examination of applicants for operators or chauffeur's license; providing for certain exemptions; providing for the issuance of restricted license; providing for notice of change of address or name; providing for records to be kept by the Department; providing authority of the Department to cancel license, suspend privileges of non-residents and report convictions and to suspend resident's license upon conviction in another State; providing for authority of Department to suspend or revoke license without preliminary hearing and providing for notice to licensee and for hearing upon request; providing for the period of suspension or revocation and the surrender and return of license and badge; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended, or revoked; and making it unlawful to commit certain other act; providing for the State Highway Patrol to act as agent for the Department and conduct examination of applicants; providing for Court to forward license to Department and report convictions and defining conviction; providing for the right of appeal to Courts when license denied or canceled, suspended or re-

voked by Department except where such cancellation or revocation is mandatory; repealing all laws or parts of laws in conflict herewith; providing a saving clause, and declaring an emergency."

The bill was read second time.

Senator Davis offered the following (committee) amendment to the bill:

Amend C. S. for H. B. No. 16, Section 17, page 6, at the end of said section, by adding the following, to-wit:

"Said injured party shall have the right to have his case heard in the county court, either in term time or vacation of said court."

The (committee) amendment was adopted.

Senator Aikin offered the following (committee) amendment to the bill:

Amend C. S. for H. B. No. 16 by adding the following after the word "days," line 53, page 5, of the printed substitute bill, in Subsection (a) of Section 16:

"which shall be in a court of competent jurisdiction."

The (committee) amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend C. S. for H. B. No. 16, and amend caption accordingly, by adding a new section to be designated as Section 2A, to read as follows:

"Sec. 2A. That Section 8 of Senate Bill No. 15, Chapter 466, passed at the Second Called Session of the Forty-fourth Legislature of the State of Texas, be and the same is hereby amended so as to read as follows:

"Sec. 8. Register of Operators and Chauffeurs:

(a) The Department shall issue to every person licensed as an operator, an operators' license, and to every person licensed as a chauffeur, a chauffeurs' license. Every chauffeur shall apply for and receive from the Department, and at all times while operating a motor vehicle for hire shall display in plain sight upon the band of his cap or on the lapel of his outer coat, a chauffeurs' badge. All persons licensed as chauffeurs shall be issued by the Department an operators' license at no additional cost other than fee now provided by law for chauffeurs' license.

(b) Every such license shall bear

thereon a distinguishing number assigned to the license and shall contain the name, age, residence address and a brief description of the licensee for the purpose of identification, and also a space for the signature of the licensee.

(c) Every chauffeurs' badge shall be of metal with a plainly readable distinguishing number assigned to the licensee stamped thereon."

Senator Burns moved that the bill be tabled subject to call.

Pending consideration of the motion to table subject to call, Senator Weinert occupied the Chair temporarily.

(President in the Chair.)

Question—Shall the motion to table subject to call prevail?

#### Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,  
Austin, Texas, May 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on H. B. No. 55 by a viva voce vote.

The House has adopted the Conference Committee report on H. B. No. 982 by a viva voce vote.

The House has passed the following bills:

S. B. No. 270, A bill to be entitled "An Act to amend Article 3899 of the Revised Statutes of Texas of 1925, as amended by Acts of the Forty-fourth Legislature, approved November 15, 1935, so as to add after the words 'Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expense necessary in the proper and legal conduct of his office' in said article the words 'including the cost of Surety Bonds for his Deputies,' and declaring an emergency."

(With amendments.)

S. B. No. 150, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees or legal representatives of deceased persons, whose

estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the public treasury; authorizing the payment of such claims on the taking effect of this Act and the filing with the Comptroller of such a copy of the order of the court under seal of the court, and declaring an emergency."

(With amendments.)

S. B. No. 509, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions, and declaring an emergency."

S. B. No. 505, A bill to be entitled "An Act amending Article 2797, Revised Civil Statutes of Texas; and declaring an emergency."

S. B. No. 477, A bill to be entitled "An Act defining the term 'taxing unit,' and providing that in any suit brought by or in behalf of any taxing unit for delinquent taxes other taxing units having delinquent tax claims against the property may be impleaded or may intervene; and providing for the nature, character and contents of citation upon defendants, and service thereof; and providing for the adjudication of the reasonable fair value of the property; and providing for court costs, expenses of sale and expenses in producing necessary data and information for filing such suits; and providing for procedure in such suits; and providing for citation and service upon absent, non-resident and unknown defendants and providing for publication notice; and providing that if property be sold under decree in such a suit to any taxing unit which is a party to said suit, title to same shall be bid in and held by the taxing unit purchasing same for the use and benefit of itself and all other taxing units in said suit, in proportion to the amount of tax liens held by said taxing units against such property as established by judgment in said suit; and providing the manner and price at which such property may be sold by the taxing unit purchasing same; and providing for the manner of distributing the proceeds of such property when sold; and providing the manner and price at which property may be sold for taxes un-

der decree in such suit to the owner, directly or indirectly, or to anyone having an interest therein, or to any party other than a taxing unit which is a party thereto; and providing for the distribution of the proceeds of such sale; and providing that the purchaser of property sold for taxes in such suit should take title clear of all liens or claims for taxes delinquent at the time of judgment and belonging to any taxing unit which was a party to said suit or had been served therein; and providing for precedence and priority of such delinquent tax suits in the district and appellate courts; and providing for issuance of writ of possession and redemption of property sold for taxes; and in case the governing body of any taxing unit shall fail within sixty (60) days after taxes became delinquent to sue for collection, and in case such delinquent taxes were levied to meet requirements of outstanding obligations of such taxing unit, providing certain remedies for holders of such obligations; and providing that if any part or portion of the Act be in conflict with any part or portion of any law of the State, the terms and provisions of this Act shall govern; and declaring an emergency."

(With amendments.)

S. B. No. 486, A bill to be entitled "An Act amending S. B. No. 527, passed at the Regular Session of the Forty-third Legislature, 1933; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of courts in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 494, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than twenty-five thousand three hundred forty-four and not more than twenty-five thousand four hundred

forty-four people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

S. B. No. 466, A bill to be entitled "An Act to authorize the exclusion of certain territory from any fresh water supply district before the issuance of bonds and levy of taxes for said district, such territory shall be to the extent of at least ten (10) acres, and contiguous and adjoining the lines of such district; prescribing the method of procedure whereby such territory may be excluded; providing that an election may be held to approve the exclusion of such territory, in event petition therefor is presented by ten (10), or a majority, of the qualified voters, who own land in the district; providing that exclusion of such territory will result in cancellation of any unsold bonds of the district; providing that territory not embraced in a fresh water supply district may be annexed to such district, and prescribing the method of procedure therefor; providing that the added territory shall bear its pro rata part of all indebtedness or taxes of the district to which it is annexed, pursuant to an election held throughout the enlarged district for that purpose; prescribing the method of holding elections authorized by this Act; providing that if any part of this Act be held unconstitutional, such decision shall not affect the validity of the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

S. B. No. 467, A bill to be entitled "An Act to amend Article 2792, Revised Civil Statutes of Texas, so as to provide that where the trustees of an independent school district have the county assessor and collector of taxes assess and collect the taxes for said district, the property of such district may be assessed at a greater value than the property is assessed for county and state pur-

poses; provided, that such property may not be assessed at a greater valuation than its fair market value, or if it has no market value, than its intrinsic value, and declaring an emergency."

S. B. No. 500, A bill to be entitled "An Act creating a Special Road Law for Kent County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$41,500.00 outstanding against its road and bridge fund as of March 15, 1937, by the issuance of funding bonds and setting forth the method of issuing same; validating all Acts of the commissioners' court and of the county officials of said county in authorizing the levying of taxes to pay principal and interest thereon and in issuing and delivering said warrants; provided that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; validating all Acts and proceedings heretofore passed by the commissioners' court in authorizing the refunding of said time warrants into bonds, and declaring an emergency."

S. B. No. 480, A bill to be entitled "An Act to amend Article 7057b, Section 2, Revised Civil Statutes, H. B. No. 11, Act of the Regular Session, Forty-third Legislature, so as to clarify the kind of suits to be included in a class action as provided in Section 2 of said article; to provide that suit may be filed in a court of competent jurisdiction in Travis County, Texas, when the total taxes accrued comes in the jurisdiction of said court; to provide that original petitions may be amended to include additional taxes paid under protest; providing that the provisions of this Act shall apply to taxes paid under protest and where suits are now pending testing the validity and correctness of such taxes, and declaring an emergency."

S. B. No. 465, A bill to be entitled "An Act amending subdivision 3 of Article 190, Title 8, Revised Civil Statutes of Texas of 1925, as amended, Acts 1929, Forty-first Legislature, First Called Session, and providing for changing and prescrib-

ing term and times of holding the Courts in the Third Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of Court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; providing for and declaring an emergency, and providing time for this Act to take effect."

S. B. No. 405, A bill to be entitled "An Act requiring dealers, peddlers and brokers handling or dealing in used oil, gas or pipe line equipment to obtain licenses from the Railroad Commission of the State of Texas; providing for applications, license fees and issuance of such licenses; requiring the keeping of records and filing copies with the sheriffs of the various counties; providing for the renewal of licenses; authorizing the Railroad Commission to refuse to issue and to cancel and forfeit licenses under certain conditions; providing funds collected shall be used to enforce this Act and any surplus transferred to the General Fund of the State; prohibiting the purchase or receiving of such articles from minors; authorizing the Railroad Commission to prescribe forms, adopt rules and regulations in pursuance of this Act; providing penalties and declaring an emergency."

(With amendments.)

S. B. No. 393, A bill to be entitled "An Act making an emergency appropriation to the State Health Department out of the General Fund in the State Treasury, and declaring an emergency."

S. B. No. 352, A bill to be entitled "An Act making an appropriation from the Treasury of the State of Texas from any funds not otherwise appropriated, to the Upper Colorado River Authority; providing for the method of drawing warrants; providing for the payment thereof; and declaring an emergency."

S. B. No. 322, A bill to be entitled "An Act granting to Tom J. Taylor of Burnet County, Texas, the right, or permission, to bring suit against the State of Texas and/or the State

Highway Department, in any court of competent jurisdiction in Travis County, Texas, and declaring an emergency."

S. B. No. 305, A bill to be entitled "An Act appropriating the fund provided for the use and benefit of the comptroller in the administration and enforcement of the provisions of the Act as provided for in Section 9 of H. B. No. 89, Chapter 353, Acts of the Regular Session of the Forty-fourth Legislature, for the use and benefit of the Comptroller in administration of said Act from and after May 30, 1937, for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

H. B. No. 639, A bill to be entitled "An Act to amend Article 7258a of the Revised Statutes of Texas by extending the provisions of that Article to apply to every county in the State of Texas, and declaring an emergency."

(With engrossed rider.)

H. B. No. 538, A bill to be entitled "An Act to authorize the sale of additional portions of Harbor Island and other islands in Redfish Bay, Corpus Christi Bay and Aransas Bay and certain lands under the shallow waters of Redfish Bay, Corpus Christi Bay and Aransas Bay with certain restrictions; to authorize the extension by the present owners or their successors and assigns of the original purchase from the State of Texas of such lands under the terms of an Act known as the Act of March 13th, 1911, and being Chapter 45 of the Acts of the Thirty-second Legislature of Texas; reserving the oil, gas and other minerals in and under said lands so additionally purchased together with the right of ingress and egress for the purpose of mining and producing the same; providing that the sale and ownership of such land so additionally purchased shall be subject to all existing laws of the State of Texas, and declaring an emergency."

(With engrossed riders.)

H. B. No. 514, A bill to be entitled "An Act providing for and regulating the manner that owners and/or operators of oil wells producing salt water or water containing minerals in an appreciable amount may return same to such salt water or mineral water horizon from which pro-

duced; providing for obtaining permits from the Railroad Commission, and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act to amend Articles 624 and 625 of the Penal Code of the State of Texas of 1925, so as to include within the terms and meaning of said Articles any race, speed, skill or endurance of, by, or between dogs, and declaring an emergency."

H. B. No. 376, A bill to be entitled "An Act amending Rule 47a of Article 4477, of Title 71, of the Revised Civil Statutes of the State of Texas, 1925, by repealing subparagraph six and twenty-five thereof, and declaring an emergency."

H. B. No. 249, A bill to be entitled "An Act amending Article 7272, Revised Civil Statutes of Texas, 1925, as amended by Chapter 141, Acts of the Forty-second Legislature, Regular Session, providing that all real and personal property held or owned by any person in this State shall be liable for all State, county and school district taxes, and such taxes shall constitute a first lien on such property, and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act amending Section 6, Chapter 106, Acts of the Fortieth Legislature, First Called Session, and declaring an emergency."

S. B. No. 496, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the Counties of Coleman, Concho, Runnels and Tom Green, fixing the terms of holding court in each county, amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931, as amended by Chapter 24, Acts of the First Called Session of the Forty-third Legislature, repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 497, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature, by adding a new Section to be known as Section 14-a, to provide that nothing in Section 14 or elsewhere in said Act shall prohibit the district from acquiring property from or selling property to the City of Austin upon such terms and conditions, and enter-

ing into such contractual relations thereto, as the district and the city may mutually agree upon; and declaring an emergency."

S. B. No. 483, A bill to be entitled "An Act amending subdivision 22 of Article 199, Title 8, Revised Civil Statutes of Texas, and providing for changing and prescribing terms and times of holding court in the 22nd Judicial District of Texas, validating and continuing all process, and writs, bonds and recognizances and making them returnable to the terms of court in the several counties in said district as herein fixed, to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect, and declaring an emergency."

H. B. No. 832, A bill to be entitled "An Act to create the San Jacinto River Conservation and Reclamation District, under the authority of Section 59 of Article XVI of the Constitution of Texas, and defining the powers and duties of the said district; providing for temporary directors and organization and operation of the district; and the authority and duties of said temporary directors; providing for determining the area of the district for temporary organization and for permanent organization; providing certain duties for the State Board of Water Engineers, State Reclamation Engineers and the Governor of the State; providing for the manner of securing funds for engineering surveys and other purposes necessary to develop information essential to the ascertainment of the plan of improvement necessary to secure control of harmful flood waters, and the useful distribution of such water; providing that the said district shall be governed by the provisions of Chapter 25, of the General and Special Laws of the Regular Session of the Thirty-ninth Legislature and the various amendments thereto, in all respects not specifically otherwise provided in this Act; making an appropriation of Twenty-five Thousand Dollars (\$25,000), and declaring an emergency."

H. B. No. 873, A bill to be entitled

"An Act making an emergency appropriation for the Leon River Conservation Project, and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act to authorize cities, towns, counties and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, towns, counties, and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities and counties to make an appropriation for the first years administrative expenses of housing authorities; and to authorize certain cities, towns, and counties to lend moneys to housing authorities, and declaring an emergency."

H. B. No. 821, A bill to be entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities having a population of more than 5,000 and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide that housing authorities, their property and securities shall be exempt from taxation and assessment, but to authorize certain payments in lieu of taxes; to provide for a certification of the bonds by the Attorney General; and to confer remedies on obligees of housing authorities, and to declare an emergency."

H. B. No. 811, A bill to be entitled "An Act to amend Article 305, Revised Civil Statutes, 1925, pertaining to candidates applying for examination to practice law; fixing the educational qualifications for applicants for examination; authorizing the Board to waive certain rules of the

Supreme Court; providing for liberal construction of certain provisions of this Act; authorizing recommendation of local bar associations in connection with the examination of applicants; providing for recommendations where no bar association exists in county of residence of applicant; and making such recommendation to prevail; exempting graduates of certain law schools in Texas from the requirement to take examination before the Board, and declaring an emergency."

H. B. No. 763, A bill to be entitled "An Act providing for sworn applications to be filled out and sworn to by any application to any county hospital sustained by said county as to their destitute conditions, and failure of means to go elsewhere, and providing said applications must be filed prior to the entrance thereto or as soon thereafter as possible, and prior to the departure of said patient from said county hospital; providing further the duties and powers of said superintendent of said county sustained hospital and his restrictions and providing restrictions on all officers or employees of said hospital, and providing further that this Act shall not apply to admission of emergency cases, and declaring an emergency."

H. B. No. 762, A bill to be entitled "An Act setting forth the title of the superintendent of the hospital, his restrictions, rules and regulations, and further the powers and duties of said Chief Executive Officer and the powers of the Board of Managers, and declaring an emergency."

H. B. No. 594, A bill to be entitled "An Act amending Section 3 of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 1 of Chapter 3, Acts of the Forty-third Legislature, Second Called Session, as amended by Section 1 of Chapter 51, Acts of the Forty-fourth Legislature, Regular Session so as to provide that vehicles owned and operated by bona fide orphans homes, shall pay a registration fee of \$5.00 only; repealing all laws in conflict, and declaring an emergency."

H. B. No. 1169, A bill to be entitled "An Act fixing the compensation of official shorthand reporters in dis-

trict courts in all counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding or any future Federal Census, providing methods of payment, repealing all laws and parts of laws in conflict to the extent of such conflict only, and declaring an emergency."

H. B. No. 1146, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature, by adding a new section to be known as Section 14-a, to provide that nothing in Section 14 or elsewhere in said Act shall prohibit the district from acquiring property from or selling property to the City of Austin upon such terms and conditions, and entering into such contractual relations thereto, as the district and the city may mutually agree upon, and declaring an emergency."

H. B. No. 1155, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session, as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the constable shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2,400.00) Dollars, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1148, A bill to be entitled "An Act amending Acts of 1935, Forty-fourth Legislature, Special Laws, page 1210, Chapter 45, prohibiting transportation of minnows of any and all species outside of the counties wherein such minnows are caught, seined, or taken, by adding thereto the Counties of Williamson and Burnet, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1140, A bill to be entitled "An Act to repeal Chapter 20 of Special Laws of the Regular Session of the Forty-fourth Legislature."

H. B. No. 1138, A bill to be entitled "An Act to amend Article 7333 of the

1925 Revised Civil Statutes of Texas, relating to the payment of fees and costs in tax suits, so as to provide for the payment, by the county, of costs of publication of citations, notices and all matters required or authorized by law to be published, in tax suits; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1135, A bill to be entitled "An Act declaring it unlawful to take any fish from the waters of Hunt and Rains Counties, Texas, other than by ordinary hook line, set line or throw line, or by ordinary cordline, seine or net, the meshes of which are less than one and one-half inches square; provided that any such seine or net may be used during the period from March 1st through September 30th of each year; fixing a penalty, and declaring an emergency."

H. B. No. 1061, A bill to be entitled "An Act requiring owners of cattle affected with Bang's disease to brand and tag them for identification after they have been tested and found to have such disease, and providing a penalty, and declaring an emergency."

H. B. No. 1051, A bill to be entitled "An Act providing relief for the Common School District of San Augustine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over forty-one per cent (41%) of the land in said county thereby taking off the tax rolls of such districts a major portion of the valuation; making an appropriation of said districts in said county to enable them to continue their program of education, and declaring an emergency."

H. B. No. 1050, A bill to be entitled "An Act providing relief for the Common and Independent School Districts of Sabine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over 70% of the land in said county, thereby taking off the tax rolls of such districts a major portion of the taxable valuation; making an appropriation for said districts in said county to enable them to continue their program of education, and declaring an emergency."

H. B. No. 1046, A bill to be entitled "An Act declaring it unlawful to kill, take or trap any fox in Hood County, Texas, except during the months of December and January of each year;

repealing all laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to concur in Senate amendments to H. J. R. No. 26 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following conferees are appointed on the part of the House:

Messrs. Alsup, Harris of Dickens, Jones of Wise, Roark, Bradbury.

The House has adopted the following resolution:

S. C. R. No. 66, Relating to the consideration of the Rural Aid Bill by the Senate.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Signed.

The President signed in the presence of the Senate, after given due notice thereof, the following enrolled bills:

H. B. No. 965, "An Act to prohibit the use of a seine for taking fish in the waters and tributaries of the Bosque River in Hamilton County, Texas; providing, however, for the use of a net during the months of July, August, September and October for the purpose of taking fish; permitting the use of a minnow seine no more than twenty (20) feet in length for the purpose of taking minnows for bait; providing a penalty; repealing Chapter 47, Acts of the Forty-fourth Legislature, Regular Session; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1118, "An Act to fix the minimum rate of tax to be levied for the purpose of maintaining the public schools and issuing of bonds in common school districts having a taxable valuation of One Million Five Hundred Thousand (\$1,500,000) Dollars or less, and declaring an emergency."

H. B. No. 1017, "An Act making it unlawful for butane, or liquefied pe-

troleum gas, or artificial or natural gas to be handled, stored, sold or distributed in this State by any person, firm, corporation or other concern, without first being malodorized or odorized so that it will be perceptible and recognizable by the sense of smell; partially defining such odorants or malodorants; empowering the Railroad Commission of Texas to pass upon the sufficiency of same and to issue rules and regulations for the enforcement of this law and giving same the force and effect of law; providing penalties for failure of any person, firm, corporation, or associations and their officers to comply herewith; empowering the Attorney General to bring suits for such enforcement and penalties, and declaring an emergency."

H. B. No. 1064, "An Act amending Article 1164, Revised Civil Statutes of Texas, 1925, by providing that the Board of Commissioners in any city or town containing less than two thousand (2,000) population, according to the last preceding Federal Census, may fix the salary of the mayor not to exceed Six Hundred Dollars (\$600.00) per annum, and declaring an emergency."

H. B. No. 259, "An Act amending Title 25, Article 911b, Section 6, of the Revised Statutes of the State of Texas, 1925 (Acts, 1929, Forty-first Legislature, page 698, Chapter 314, as amended by Acts, 1931, Forty-second Legislature, page 480, Chapter 277, Section 6), providing for the sale, lease, assignment, and/or transfer of permits owned or obtained under this section; repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 402, "An Act making an appropriation of Twelve Hundred Thirty-seven (\$1,237.00) Dollars to the Crane County Independent School District in order to refund to said district over payment of interest on school bonds made by said district on bonds held by the State Permanent School Fund, and declaring an emergency."

H. B. No. 527, "An Act amending Article 1104 of the Penal Code as amended by the Regular Session of the Forty-fourth Legislature, Chapter 154, General and Special Laws of 1935, relating to sale of gasoline for domestic purposes, and declaring an emergency."

H. B. No. 750, "An Act to amend

Section 1 of Chapter 144, Acts, Regular Session of the Forty-fourth Legislature, page 383, of the compiled laws of said session; providing the open season for the killing of wild mourning doves; and providing that it be lawful to hunt, take or kill wild mourning doves during the months of October and November in the Counties of Chambers, Jefferson and Orange, and declaring an emergency."

H. B. No. 982, "An Act amending Section 1 of Chapter 129, page 356, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws or parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 993, "An Act providing for the trial and commitment to State hospitals for the insanity of persons found upon trial to have been insane at the time of the commission of the act, as well as at the time of the trial of such person; providing for the discharge of persons tried for crime if found to have been insane at the time of the commission of the offense and sane at the time of the trial; providing for the commitment of such persons to a State hospital for the insane if found to be sane at the time of the commission of the offense but insane at the time of the trial of such person; etc., and declaring an emergency."

H. B. No. 1026, "An Act amending Chapter 4, Acts of the Regular Session of the Forty-fourth Legislature, 1935, same being H. B. No. 226 of said Regular Session, authorizing the Criminal District Attorney of the One Hundred Twenty-fourth Judicial District of Texas to appoint two assistants; providing for the appointment, if necessary, of a criminal investigator and stenographer; etc., and declaring an emergency."

H. B. No. 1070, "An Act declaring it unlawful to take, hunt, trap, shoot or kill any wild pheasant in Smith County, Texas, for a period of three years; prescribing penalty for the violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1131, "An Act creating the Harris County Flood Control District in Harris County, Texas, and its powers; designating the commissioners' court as the governing body of such district and defining the pow-

ers of such court in connection therewith; etc., and declaring an emergency."

H. B. No. 1150, "An Act amending Section 7, Chapter 49, Local and Special Laws of the Thirty-fifth Legislature, Regular Session, creating the San Antonio Independent School District, and declaring an emergency."

H. B. No. 397, "An Act to provide for the purchase of a site and for the establishment, location, and construction of a hospital for the mentally ill, naming the same; and providing for the care, treatment, and support of mentally ill persons; to make an appropriation therefor, etc."

H. B. No. 55, "An Act to amend Article 2687, Revised Civil Statutes, 1925, so as to provide for the payment of salaries of the county board of trustees out of the State and county available school fund, and declaring an emergency."

H. B. No. 610, "An Act repealing Section 11 of Article 7152, Title 122 of the Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, and declaring an emergency."

H. B. No. 631, "An Act to amend Section 6 of an Act passed by the Forty-fourth Legislature, Acts, 1935, First Called Session, page 1655, Chapter 425, paragraph 1, which is entitled 'An Act empowering cities of 290,000 or more inhabitants to build and purchase, mortgage and encumber exposition and convention halls or either and the income thereof and to evidence the obligations therefor by bonds, notes or warrants and to secure the payment of funds to purchase same or to remodel, renovate or repair same'; etc., and declaring an emergency."

H. B. No. 668, "An Act appropriating the fund provided for the use and benefit of the Comptroller in the administration and enforcement of the provisions of the Act as provided for in Section 9 of House Bill No. 89, Chapter 353, Acts of the Regular Session of the Forty-fourth Legislature, for the use and benefit of the Comptroller in the administration of said Act from and after May 30, 1937, for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

H. B. No. 1021, "An Act fixing and limiting expenses of candidates for Representative in the State Legisla-

ture in primary elections in counties of more than 300,000 inhabitants, according to the last preceding Federal Census; etc., and repealing all laws in conflict with the provisions of this Act, but not otherwise."

H. B. No. 1057, "An Act providing that in certain counties convicts, either laying their fines out in jail or working such fines out on the County Farm or on the county roads or other public works shall receive a credit therefor of \$1.00 per day for each day worked, or spent in jail, and declaring an emergency."

H. B. No. 1119, "An Act to validate the organization and creation of all county line independent school districts heretofore formed under certain conditions by the consolidation of an existing county line independent district with a contiguous common school district; validating all acts of the Board of Trustees of such existing county line independent school districts in ordering and declaring the results of an election or elections held in such county line independent school districts on the question of such consolidation; etc., and declaring an emergency."

H. B. No. 1128, "An Act amending Article 2922 A, Revised Civil Statutes as amended by Acts, 1925, Thirty-ninth Legislature, page 204, Chapter 59, as amended by Acts, 1927, Fortieth Legislature First Called Session, page 206, Chapter 78, by adding another Section to be entitled Section 2922 AA, providing for the consolidation of Rural High School Districts and Common School Districts upon an election being held in the respective districts; and providing for an election adjusting the bonded indebtedness, and declaring an emergency."

H. B. No. 1136, "An Act providing that Limestone County, Texas, may fund or refund the indebtedness outstanding against its Permanent Improvement Fund as of May 1st, 1937; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

H. B. No. 463, "An Act to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legisla-

ture, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, and as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature relative to the Board of County and District Road Indebtedness; etc."

#### House Bills on First Reading.

The following bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 1169, to Committee on State Affairs.

H. B. No. 821, to Committee on Civil Jurisprudence.

H. B. No. 514, to Committee on State Affairs.

H. B. No. 398, to Committee on Criminal Jurisprudence.

H. B. No. 376, to Committee on Public Health.

H. B. No. 249, to Committee on State Affairs.

H. B. No. 873, to Committee on Finance.

H. B. No. 820, to Committee on Civil Jurisprudence.

H. B. No. 811, to Committee on Civil Jurisprudence.

H. B. No. 763 to Committee on Public Health.

H. B. No. 762, to Committee on Public Health.

H. B. No. 594, to Committee on State Highways and Motor Traffic.

H. B. No. 1146, to Committee on Mining, Irrigation and Drainage.

H. B. No. 1148, to Committee on Game and Fish.

H. B. No. 1140, to Committee on State Affairs.

H. B. No. 1138, to Committee on Counties and County Boundaries.

H. B. No. 1135, to Committee on Game and Fish.

H. B. No. 1061, to Committee on Stock and Stock Raising.

H. B. No. 1051, to Committee on Finance.

H. B. No. 1050, to Committee on Finance.

H. B. No. 1046, to Committee on Game and Fish.

H. B. No. 207, to Committee on Civil Jurisprudence.

H. B. No. 832, to Committee on Mining, Irrigation and Drainage.

H. B. No. 538, to Committee on Public Lands and Land Office.

H. B. No. 1155, to Committee on Counties and County Boundaries.

H. B. No. 639, to Committee on State Affairs.

#### Message From the Governor.

The President laid before the Senate, and had read, the following message, received today from the Governor:

Austin, Texas, May 11, 1937.

To the Members of the Forty-fifth Legislature:

I am today disapproving and vetoing H. B. No. 518 for the following reasons:

#### 1.

This bill authorizes the Commissioners' Court of Trinity County to condemn rights-of-way for roads through private property holdings so as to enable the general public, according to the recited purposes of the bill, to reach the Neches River to fish. A similar bill applying to Leon and Madison Counties was passed two years ago, but no opposition or protest was made to it; and therefore its defects were not made apparent at the time.

The State Game, Fish and Oyster Commission has requested the veto of this bill in a written communication to me reading as follows:

"This letter is written to request the veto of H. B. No. 518 by Loggins, which is a special law giving authority to the Commissioners' Court of Trinity County to condemn rights-of-way through private property holdings on the Neches River in Trinity County.

"We recognize that the General Laws of this State, as it now exists, provides that the commissioners' court of any county may condemn road right-of-ways whenever a public necessity exists for such right-of-way and, therefore, if there is any public necessity for the road in Trinity County the commissioners' court at the present time has all of the authority that may be needed.

"If a road is opened along-side the Neches river and other roads are opened to reach the Neches river for each five miles of the length of such river in Trinity County, as the Act contemplates, the task of protecting game in that section of the State will be much more difficult.

"By the creation of large game preserves in Trinity County a considerable stock of game has been built up and with continuous protection in the large land areas adjacent to the Neches river such stock of game will overflow to adjacent areas where it will be of general benefit to the entire public.

"Game law observance in Trinity County has not been generally good. There have been frequent encroachments upon the State game preserve properties, cutting of fences and other major depredations, upon occasion making it necessary to assign State rangers to duty in that county to procure ordinary law enforcement.

"Making the large land holdings easily accessible to the public by the establishment of additional roadways, which may not at all be a public necessity, would certainly intensify, if not nullify, efforts to protect game in that section of the State. It is also recognized that the creation of additional roadways to reach the Neches River in Trinity County would make more difficult game protection efforts in Angelina County on the other side of the Neches river.

"We believe that the commissioners' court and the district court of the district in which Trinity County is located is competent to determine whether or not public necessity exists for the creation of additional roadways to the Neches river in Trinity County, and yet it is clear that H. B. No. 518 takes from the commissioners' court and the other courts of this State the responsibility of determining whether or not public necessity exists for the creation of additional roadways to the Neches River in Trinity County, the Legislature of this State, through such purported local H. B. No. 518 having assumed that responsibility.

"We believe that H. B. No. 518 would create an unwise precedent and might be the entering wedge for additional legislation of this type, and assumption of responsibility by the Legislature of fact-determining which our Government contemplates should be determined locally by properly constituted authorities."

In addition to those facts recited in the communication from the Game, Fish and Oyster Commission, I am informed that the premises in

question are near a State game preserve. I am a believer in conservation of our resources and particularly our wild life. Experience has demonstrated that progress in this direction has been made largely due to the efforts of private landowners who have themselves financed protection and propagation on their own premises. I feel that to open up roads of this kind where no real public necessity exists will certainly tend to destroy the splendid work that has been done. I do not feel it is fair to landowners to make it possible to destroy the things they have accomplished. I feel the State should assist rather than handicap them in those efforts.

## 2.

At the present time under the general laws in this State the commissioners' court has a right to condemn rights-of-way for road purposes whenever public necessity exists therefor. I do not believe the Legislature by the passage of such an Act as this should declare that such public necessity exists when the commissioners' court in that county has the power to do so.

## 3.

Section 9 of this bill authorizes the commissioners' court to order the opening of "a public road sixty (60) feet in width running parallel with and adjacent to the bank of any statutory navigable stream of this State for such distance as the court may deem necessary, said right-of-way to be used for access to said public streams, and for camping purposes." Under this it would be possible for the commissioners' court to open up so-called public roads for camping purposes all along the river in Trinity County for some seven miles, as I understand. It would be possible for them to thus cut off the riparian landowners from entry or access themselves to the waters of the river. I do not believe this is right, or fair. The grant of power is too broad.

While it is true the Act authorizes compensation, yet practical experience has demonstrated what such landowners may expect from a jury in a community not interested in

game conservation, but rather interested in establishing a site for fishing and camping purposes, which incidentally would afford the opportunity pointed out by the Game Department for unlawful hunting and trespassing upon the lands of other people.

## 4.

I seriously doubt the authority of the Legislature to enact this special legislation, applying alone to Trinity County, which authorizes the condemnation of rights-of-way for a road (which the county is not required to maintain) and for camping purposes, under Article 3, Section 56, of the Constitution, reading as follows:

"The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys."

It is true that in Article 8, Section 9, the Constitution provides "that the Legislature may pass local laws for the maintenance of public roads and highways without the local notice required for special or local laws"; but this bill is not for the "maintenance" of public roads and highways. It is for the laying out of same; and, indeed, the bill expressly provides that the county shall not be required to maintain said highways.

For the reasons stated, the bill is accordingly disapproved, vetoed and returned to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

#### Free Conference Committee on House Bill No. 24.

The President announced the appointment of the following Free Conference Committee on the part of the Senate on H. B. No. 24:

Senators Davis, Stone, Woodruff, Isbell and Head.

#### Appointment of Special Committee.

The President announced the appointment of the following committee to attend the funeral of Dr. H. Y. Benedict:

Senators Holbrook, Westerfeld, Small, Pace, Redditt, Brownlee, Shivers and Woodruff.

#### Senate Bill No. 516 on First Reading.

Senator Hill moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Head	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—2.

Holbrook                      Weinert

Absent.

Moore                      Small

The following bill then was introduced, read first time and referred to the Committee on Finance:

By Senator Hill:

S. B. No. 516, A bill to be entitled "An Act providing relief for the Tenaha Independent School District, Shelby County, Texas, in order to aid said school to rebuild school building destroyed by fire, making an appropriation for said district; and declaring an emergency."

Recess.

Senator Lemens moved that the Senate recess to 2:30 o'clock p. m. today.

Senator Weinert moved that the Senate recess to 7:30 o'clock p. m. today.

Question first recurring on the motion of Senator Weinert, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—19.**

Brownlee	Roberts
Burns	Shivers
Head	Spears
Holbrook	Stone
Isbell	Sulak
Moore	Van Zandt
Neal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	

**Nays—11.**

Aikin	Lemens
Beck	Nelson
Collie	Newton
Cotten	Oneal
Davis	Woodruff
Hill	

**Absent.**

Small

The Senate, accordingly, at 12:15 o'clock p. m., took recess to 7:30 o'clock p. m. today.

**Night Session.**

The Senate met at 7:30 o'clock p. m. and was called to order by Senator Rawlings.

**Reports of Standing Committees.**

(By Unanimous Consent.)

Reports on Senate Bills Nos. 161 and 513 and on House Bills Nos. 832, 1140, 1169, and 1135, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

**Committee Substitute for Senate Bill No. 508 on Second Reading.**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

C. S. for S. B. No. 508, A bill to be entitled, "An Act validating and approving all proceedings had by cities and towns in the issuance and sale of revenue obligations under the provisions of Articles 1111 to 1118, Revised Civil Statutes of 1925, as amended, to aid in financing any undertaking for which a loan or grant has been made by the United

States through the Federal emergency administrator of public works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said bonds, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to engrossment.

**Committee Substitute for Senate Bill No. 508 on Third Reading.**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for S. B. No. 508 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31.**

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30.**

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone

Sulak  
Van Zandt  
Weinert

Westerfeld  
Winfield  
Woodruff

Absent.

Moore

**House Bill No. 1002 on Second Reading**

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1002, A bill to be entitled "An Act to fix salaries and compensation of county commissioners in counties with a population of not less than 77,600 inhabitants nor more than 88,000 inhabitants according to the last Federal Census as same now exists or may hereafter exist, and/or having an assessed valuation of not less than \$40,000,001.00 nor more than \$50,000,000.00, according to the last approved tax rolls, as same now exists or may hereafter exist, etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Brownlee offered the following amendments to the bill:

(1)

Amend H. B. No. 1002 by striking out the words "and/or" in line 6 of Section 1, being the first such words in said line and inserting in lieu thereof the word "and."

(2)

Amend H. B. No. 1002 by amending the caption thereof to conform to the body of the bill.

The amendments were adopted severally.

H. B. No. 1002 was passed to third reading.

**House Bill No. 1002 on Third Reading.**

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1002 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin  
Beck

Brownlee  
Burns

Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Moore  
Neal  
Nelson  
Newton  
Oneal  
Pace

Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Neal  
Nelson  
Newton

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Absent.

Moore

**House Bill No. 832 on Second and Third Readings.**

Senator Burns, by unanimous consent, moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 832 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Davis  
Head  
Hill

Holbrook  
Isbell  
Lemens  
Neal  
Nelson  
Newton  
Oneal  
Pace  
Rawlings

Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone

Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

**Absent.**

Moore

The Presiding Officer then laid the bill before the Senate.

On motion of Senator Burns and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill No. 1100 on Second Reading.**

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1100, A bill to be entitled "An Act creating a special road law for Scurry County, Texas, providing that said county fund or refund indebtedness outstanding against its road and bridge fund as of March 31, 1937, including bonds, interest-bearing time warrants and scrip warrants by issuance of funding or refunding bonds or warrants, either or both, setting forth the method of issuing same; etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1100 on Third Reading.**

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1100 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin  
Beck

Brownlee  
Burns

Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Neal  
Nelson  
Newton  
Oneal  
Pace

Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

**Absent.**

Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Neal  
Nelson  
Newton

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

**Absent.**

Moore

**Senate Bill No. 477 With House Amendments.**

Senator Oneal called S. B. No. 477 from the President's table, for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate.

Senator Oneal moved that the Senate concur in the House amendments.

On motion of Senator Oneal and by unanimous consent, the motion to concur was tabled subject to call.

**House Bill No. 280 on Passage to Third Reading.**

On motion of Senator Cotten the regular order of business was suspended, to take up from the Presi-

dent's table and have placed on its passage to third reading (the bill heretofore having been read second time and tabled subject to call):

H. B. No. 280, A bill to be entitled "An Act authorizing, empowering and directing the board of county and district road indebtedness created by Chapter 13, Article 6674Q-1 et seq., Acts of the Third Called Session of the Forty-second Legislature, to make allowance to Henderson County, Texas, as a credit upon its outstanding road indebtedness of the amount of \$60,669.56 and to increase the State aid effective as of January 1, 1933, to Henderson County, Texas, to make payment of such allowance, and declaring an emergency."

The Presiding Officer laid the bill before the Senate; it was passed to third reading.

**House Bill No. 280 on Third Reading.**

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 280 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Roberts
Davis	Shivers
Hill	Stone
Holbrook	Van Zandt
Isbell	Westerfeld
Lemens	Winfield
Neal	Woodruff

**Nays—3.**

Redditt	Weinert
Small	

**Absent.**

Head	Spears
Moore	Sulak

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time.

Senator Redditt offered the following amendment to the bill:

Amend H. B. No. 280 by adding a new Section:

Provided, the Commissioners' Court of Henderson County shall furnish to said board sufficient and positive evidence that no commission or fee or attorney fees have been paid or will be paid by said county to any person in connection with this claim, before the county shall be entitled to the relief in this Act.

And amend the caption accordingly.

The amendment was adopted by unanimous consent of the Senate.

The bill then was passed by the following vote:

**Yeas—19.**

Brownlee	Nelson
Burns	Newton
Collie	Pace
Cotten	Rawlings
Davis	Roberts
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	

**Nays—8.**

Aikin	Small
Oneal	Weinert
Redditt	Winfield
Shivers	Woodruff

**Absent.**

Beck	Moore
Head	Spears

**House Bill No. 196 on Second Reading.**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 196, A bill to be entitled "An Act providing for the registration of dogs and for a tax on same; prohibiting unregistered dogs from running at large; prohibiting dogs not muzzled from running at large during the night-time; providing conditions under which certain dogs may be killed; making it unlawful to own and keep a dog not registered;

prescribing conditions under which poison may be put out for dogs; prescribing the rate of tax and for use and distribution of such fund; prescribing a penalty for violation of this Act; providing a method by which this Act may be made effective in counties; providing a saving clause in case any part of this Act be held invalid; repealing any and all laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 196 by adding a new Section to be numbered 5a:

Provided the provisions of this Act shall not to the 5th and 3rd Senatorial Districts.

BURNS,  
REDDITT.

On motion of Senator Davis the bill (with pending amendment) was tabled subject to call.

#### House Bill No. 1049 on Second Reading.

On motion of Senator Beck and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1049; A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees; (a) in counties containing a population of not less than forty-eight thousand, five hundred and sixty (48,560) and not more than forty-eight thousand six hundred and sixty-five (48,665) population, (b) in counties containing a population of not less than thirty thousand, and twenty (30,020) and not more than thirty thousand, one hundred and twenty-five (30,125) population, (c) in counties containing a population of not less than ten thousand, three hundred and seventy (10,370) and not more than ten thousand, four hundred and seventy-five (10,475) population, according to the last preceding Federal Census; providing for

their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 1049 on Third Reading.

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1049 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent.

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill No. 105 on Second Reading.

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 105, A bill to be entitled "An Act requiring owners of real estate or other taxable property, or their agents or representatives in rendering same for ad valorem taxa-

tion to give the post-office address of the owner or owners of said property at the time of such rendition; providing a penalty for failure to render such property in the manner herein prescribed, and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Pace offered the following (committee) amendment to the bill:

Amend H. B. No. 105 by striking out the whole of Section 1, same being lines 14 through 24 of page 1 of said bill and insert in lieu thereof the following:

"That hereafter in all counties in the State of Texas containing a population of not less than 10,970 nor more than 10,990, according to the last preceding Federal Census, any one owning real estate or other taxable property situated in said county on rendering the same for taxation to the County Tax Assessor and Collector for assessment for State and County ad valorem taxes shall render the same in the name of the owner thereof giving his correct post office address at the time of such rendition, and if any representative or agent on and in behalf of said owner or owners shall render the same for taxation, said agent or representative shall likewise render the same in the name of the true owner of the said property giving the owner or owners' correct post office address at the time of said rendition."

The (committee) amendment was adopted.

H. B. No. 105 was passed to third reading.

#### House Bill No. 105 on Third Reading.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 105 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Brownlee
Beck	Burns

Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff
Rawlings	

Absent—Excused.

Hill Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Absent—Excused.

Hill Moore

#### House Bill No. 1135 on Second Reading.

Senator Isbell, by unanimous consent, moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1135 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Cotten
Beck	Davis
Brownlee	Head
Burns	Holbrook
Collie	Isbell

Lemens	Small
Neal	Spears
Nelson	Stone
Newton	Sulak
Oneal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff
Shivers	

Absent—Excused.

Hill Moore

The Presiding Officer laid the bill before the Senate.

On motion of Senator Isbell and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were severally suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 1135 on Third Reading.

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1135 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Absent—Excused.

Hill Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Absent—Excused.

Hill Moore

#### House Bill No. 1061 on Second Reading.

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1061 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—27.

Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

Nays—3.

Aikin Hill  
Collie

Absent—Excused.

Moore

The Presiding Officer then laid the bill before the Senate.

On motion of Senator Neal and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were severally suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 1061 on Third Reading.**

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1061 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

Nays—3.

Aikin	Hill
Collie	

Absent—Excused.

Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Beck	Rawlings
Brownlee	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff

Nays—4.

Aikin	Collie
Burns	Hill

Absent—Excused.

Moore

**Senate Bill No. 515 on Second Reading.**

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 515, A bill to be entitled "An Act to amend H. B. No. 750 as passed by the Forty-fifth Legislature, Regular Session, providing an open season for the killing of wild mourning doves and white winged doves in the north zone and south zones as outlined and defined in Article 878 of the Penal Code of the State of Texas, 1925, as amended by Chapter 222, Acts of the Forty-fourth Legislature, Regular Session; creating a new zone to be known as the Gulf Coastal Zone, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed, to engrossment.

**Senate Bill No. 515 on Third Reading.**

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 515 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Moore                      Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

## Absent—Excused.

Moore

Spears

## House Bill No. 1041 on Second Reading.

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1041, A bill to be entitled "An Act validating all elections and proceedings had in connection with the formation of Andrews Independent School District of Andrews County, Texas; establishing the boundaries of said Andrews Independent School District; providing for the board of trustees; providing that said district shall have and exercise all the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon the trustees of independent school districts, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

## House Bill No. 1041 on Third Reading.

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1041 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

## Absent—Excused.

Moore

Spears

The Presiding Officer laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

## Absent—Excused.

Moore

Spears

## House Bill No. 727 on Second Reading.

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 727, A bill to be entitled "An Act to amend Article 1055 of the Code of Criminal Procedure of Texas relating to the fees paid constables, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second

time and was passed to third reading.

**House Bill No. 727 on Third Reading.**

Senator Newton moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 727 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Nay—1.

Aikin

Absent—Excused.

Head	Spears
Moore	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill No. 1081 on Second Reading.**

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1081, A bill to be entitled "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Bell County for a period of two (2) years, providing a penalty, and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Redditt offered the following amendment to the bill:

Amend H. B. No. 1081 by adding after the words "Bell County," wherever same appear, the following:

"And Nacogdoches County."

And amend the caption accordingly.

The amendment was adopted.

H. B. No. 1081 was passed to third reading.

**House Bill No. 1081 on Third Reading.**

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1081 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Moore	Spears
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill No. 53 on Second Reading.**

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 53, A bill to be entitled "An Act to prohibit the building or erecting within five hundred (500) feet of the central line of any designated State highway or Federal highway in the State of Texas, a line to carry or transmit electric power

or energy in excess of 30,000 volts; and to prohibit the operating or maintaining of such line built or erected after the effective date of this Act; providing that it shall be lawful for such line to be built across designated highways and within the limits of incorporated cities and towns or within areas extending one mile from the limits of such incorporated city or town; prescribing penalties for the violation of such Act and providing for the enjoining of any person, association or corporation in suit brought by the Attorney General or by the district or county attorney of any county in which such violation or violations may occur; and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 53 on Third Reading.**

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**Absent—Excused.**

**Moore** **Spears**

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin	Brownlee
Beck	Burns

Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

**Absent—Excused.**

**Moore** **Spears**

**Senate Bill No. 446 on Second Reading.**

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 446, A bill to be entitled "An Act providing relief for the Simpson Independent School District, Shelby County, Texas, in order to aid said school to rebuild school building destroyed by fire, making an appropriation for said district; and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 446 by striking out words and figures "Thirty Thousand (\$30,000.00) Dollars" and substituting the words and figures "Fifteen Thousand (\$15,000.00) Dollars."

The amendment was adopted.

S. B. No. 446 was passed to engrossment.

**Senate Bill No. 446 on Third Reading.**

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 446 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Davis	Redditt
Head	Roberts
Hill	Shivers
Lemens	Small
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff

Nays—2.

Holbrook Isbell

Absent—Excused.

Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill No. 445 on Second Reading.

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 445, A bill to be entitled "An Act to amend Article 4617, Revised Civil Statutes of Texas of 1925, Captioned, "When wife may convey, et cetera, "enlarging the scope of its meaning, and creating an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Pace offered the following amendments to the bill:

(1)

Amend S. B. No. 445 by striking out all of said bill following the enacting clause, and substituting therefor the following:

Section 1. That Article 4617, Revised Civil Statutes of the State of Texas of 1925, be amended so as to hereafter read as follows:

"If the husband be insane or shall have permanently abandoned his wife, or shall refuse to join in such encumbrance, conveyance or transfer of such property, the wife may apply to the district court of the county of her residence, and the court, in term time or vacation, upon satisfactory proof that such encumbrance, conveyance or transfer would be ad-

vantageous to the interests of the wife, shall make an order granting her permission to make such encumbrance, conveyance or transfer without the joinder of her husband, and she may then encumber, convey or transfer said property without such joinder.

"In event the wife is a non-resident, she may apply to the district court of the county where the property, or a portion thereof, is situated, and the court shall hear and determine such application and grant relief the same as if the applicant were a resident of this State."

Sec. 2. That Article 4626 of the Revised Civil Statutes of the State of Texas of 1925, be amended so as to hereafter read as follows:

"Any married woman, with the consent of and joined by her husband, may apply by written petition addressed to the district court of the county in which she may desire to transact business for judgment or orders of the said court removing her disabilities of coverture and declaring her feme sole for mercantile and trading purposes; such petition shall set out the causes which make it to the advantage of said married woman to be so declared feme sole, and shall be filed and docketed as in other cases, and at any time thereafter the district court may, in term time, take up and hear said petition and evidence in regard thereto. If upon hearing of said petition and evidence relating thereto, it appears to the court that it would be to the advantage of the woman applying, then said court shall enter its decree declaring said married woman feme sole for mercantile or trading purposes, and thereafter she may, in her own name, contract and be contracted with, sue and be sued, and all of her separate property not exempt from execution under the laws of Texas shall thereafter be subject to her debts and liable under execution therefor, and her contracts and obligations shall be binding on her."

Sec. 3. Whereas, there are now married women who reside out of Texas, who own property in this State, who have husbands of unsound mind, or refuse to execute transfers or encumbrances covering said property, or have abandoned them, and under the law of Texas are unable to dispose of their property or encumber same, and the fact that under the present laws no ade-

quate provision is made for a married woman who is a non-resident of Texas to have her disabilities of coverture removed and to be adjudged feme sole for the purpose of transacting business creates an emergency, and an imperative public necessity demanding suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend S. B. No. 445 by striking out all of said bill preceding the enacting clause thereof, and substituting therefor the following:

**A BILL  
to be entitled**

**An Act to amend Article 4617, Revised Civil Statutes of Texas, 1925, Captioned, "When wife may convey et cetera," enlarging the scope of its meaning, and amending Article 4626, Revised Civil Statutes of Texas of 1925, Captioned, "Application to be Feme Sole," enlarging the class of married women entitled to have the disabilities of coverture removed, and declaring an emergency.**

The amendments were adopted.

S. B. No. 445 was passed to engrossment.

**Senate Bill No. 445 on Third  
Reading.**

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 445 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers

Small	Weinert
Stone	Westerfeld
Sulak	Winfield
Van Zandt	Woodruff

Absent—Excused.

Spears

(President in the Chair.)

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

**House Bill No. 713 on Second  
Reading.**

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 713, A bill to be entitled "An Act to provide liens for services rendered by persons, firms, and corporations with whom articles of wearing apparel and garments have been placed to be repaired, altered, dyed, cleaned or pressed, or laundered and authorizing the sale thereof to pay charges for such services, and for the disposition of proceeds of such sales, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 713 on Third Reading.**

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 713 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

**Senate Bill No. 267 on Second Reading.**

On motion of Senator Redditt and by unanimous consent, the regular

order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 267, A bill to be entitled "An Act granting to the Sabine-Neches Conservation District, power and authority to carry on soil conservation work within the boundaries of said district; prescribing the duties of the Board of Directors of the Sabine-Neches Conservation District in connection with the administration of this Act; providing for the creation of soil conservation sub-districts to engage in conserving soil resources and preventing and controlling soil erosion; defining the power and duties of such soil conservation sub-districts, and providing for the exercise of such powers, including power to acquire property by purchase, gift or otherwise; empowering such sub-districts to adopt programs and regulations for the discontinuance of land-use practices contributing to soil erosion, and the adoption and carrying out of soil conserving land-use practices, and providing for the enforcement of such programs and regulations; providing a penalty for the violation of such regulations, etc."

The President laid the bill before the Senate and it was read second time.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 267 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Boundaries of Sabine-Neches Conservation District. Amend Section 3 of Chapter 97. Special and General Laws of the Regular Session of the Forty-fourth Legislature, so as to read as follows:

Sec. 3. The Territory which shall be embraced within the boundaries of said Sabine-Neches Conservation District shall be that part of the State of Texas defined as follows: All that territory lying and being situated within the watershed of the Sabine and Neches Rivers and their tributaries, and which includes the following named counties lying wholly or in part within said watershed; Smith, Van Zandt, Wood, Upshur, Anderson, Henderson, Kauf-

man, Angelina, Nacogdoches, Cherokee, San Augustine, Sabine, Jasper, Newton, Gregg, Harrison, Panola, Rusk, Shelby, Hunt, Rains, Houston, Trinity, Polk, Orange, Hopkins, Collin and Rockwall.

Sec. 2. Management of District. Amend Section 4 of Chapter 97, Special and General Laws of the Regular Session of the Forty-fourth Legislature, so as to read as follows:

Sec. 4. The management and control of all the affairs of such district shall be vested in the Board of Directors, consisting of twenty-eight (28) members, one member being chosen from each county, or portion of county, lying within the "Sabine-Neches Conservation District," as created by this Act, all of whom shall be freehold property tax payers and legal voters of such district. Such Board of Directors shall be appointed by the Governor of Texas as soon as practicable after the passage of this Act, one-third of the members to be appointed for a term of two (2) years, one-third of the members thereof to be appointed for a term of four (4) years and the remaining members thereof to be appointed for a term of six (6) years, and upon the expiration of the respective terms of said directors, the successors of each and all of them shall be appointed thereafter for a term of six (6) years. The directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the Board of Directors, the same shall be filled in like manner by the Governor of Texas for the unexpired term. The directors appointed shall, within fifteen (15) days after their appointment, qualify by taking the official oath and filing a good and sufficient bond with the Secretary of State; the official bond of each director to be in the sum of One Thousand (\$1,000.00) Dollars, shall be payable to the district, shall be conditioned upon the faithful performance of their duties as such directors, and shall be subject to approval by the Secretary of State. The Board of Directors shall elect annually, for the term of one year, five members thereof, who shall be known as the "Board of Managing Directors," and when so elected they

shall continue to perform the duties of directors and shall receive no compensation other than as provided for directors herein. The Board shall have authority to delegate to the Board of Managing Directors such powers and duties as it may deem proper, not inconsistent with the powers and duties conferred upon the Board.

Sec. 3. Organization of Board of Directors. Amend Section 5 of Chapter 97, Special and General Laws of the Regular Session of the Forty-fourth Legislature, so as to read as follows:

Sec. 5. The directors of the district shall organize by electing one of their members President, one Vice-President, one Secretary-Treasurer. Fifteen (15) directors shall constitute a quorum at any meeting, and a concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the district, except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of twenty directors. Warrants for the payment of money may be drawn and signed by the Secretary-Treasurer and President when such accounts have been contracted and ordered paid by the Board of Directors.

Sec. 4. Duties of Officers and Meetings of Board. Amend Section 7, Chapter 97, Special and General Laws of the Regular Session of the 44th Legislature, so as to read as follows:

Sec. 7. The President shall preside at all meetings of the Board, and shall be the chief executive officer of the District. The Vice-President shall act as President in case of the absence or disability of the President. The Secretary-Treasurer shall act as a Secretary of the Board and shall be charged with the duty of keeping a record of all proceedings and all orders of the Board, shall receive and receipt for all moneys received by the district and shall keep books and records of all moneys received and expended. In case of the absence or inability of the Secretary-Treasurer to Act, a secretary pro tem shall be selected by the directors. The Board shall hold its meetings at its office and principal place of business, unless it directs

otherwise for specific occasions, and it shall meet then when called by order of the President, Vice-President or a majority of its members; provided however, that the Board shall fix, by order entered in the minutes of its proceedings, a specified time for its regular meetings.

Sec. 5. Appropriations. There is hereby appropriated for the use of said District out of any funds in the State Treasury not heretofore otherwise appropriated, the sum of Six Thousand (\$6,000.00) Dollars which may be withdrawn from time to time on vouchers signed by the Secretary-Treasurer and the President of the District, upon which the State Comptroller shall draw his warrant upon the Treasury of the State of Texas.

Sec. 6. Saving Clause. If any section, subsection, paragraph, sentence, clause, phrase, or word of this Act, or the application thereof to any person or circumstances is held invalid, such holdings shall not effect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 7. Inconsistency with Other Acts. Nothing in this Act shall be understood to restrict the statutory powers of existing State officials or agencies.

In so far as any of the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling within the boundaries of the Sabine-Neches Conservation District.

Sec. 8. Emergency Clause. The fact that the Federal Congress now is in Session and in its deliberation will be considering appropriations of money to be used in Texas and other States for the conservation of water and of soil, for the control of flood waters and the abatement of injuries caused thereby, and other measures intended to conserve the natural resources of the several States, coupled with the further consideration that the area embraced within the watersheds of the Sabine and Neches Rivers immediately demands the intelligent conservation of its resources together with the related protection against flood and adequate drainage, creates an emergency and an imperative public necessity that the constitutional rule re-

quiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect from and after the date of its passage, and it is so enacted.

And amend the caption to conform.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill No. 267 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 267 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Lemens	Small
Moore	Stone
Neal	Sulak

Van Zandt  
Weinert  
Westerfeld

Winfield  
Woodruff

Nays—3.

Aikin  
Holbrook

Isbell

Absent—Excused.

Spears

**Senate Bill No. 450 on Second Reading.**

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 450, A bill to be entitled "An Act to amend Subsection (a) of Section 7, H. B. No. 2, Chapter 13, Acts of the Forty-second Legislature, Third Called Session, as amended by S. B. No. 300, Chapter 136, Acts of the Forty-third Legislature, Regular Session, relating to eligible obligations of the counties or road districts of the State to participate in county and road district highway fund; and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 450 on Third Reading.**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 450 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

**House Bill No. 19 on Second Reading.**

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 19, A bill to be entitled "An Act providing that all persons, firms, partnerships or corporations using coupons, chips, scrip, punchouts, store orders, or other evidence of indebtedness to pay their or its laborers and employees, for labor or otherwise, shall, if demanded redeem the same in the hands of such laborer employee or bona fide holder in good and lawful money of the United States; provided, the same is presented and redemption demanded of such person, firm, partnership or corporation using same as aforesaid, at a regular pay-day, such redemption to be at the face value of said scrip, chips, punchouts, coupons, store orders or other evidence of indebtedness; provided, further, said face value shall be in cash the same as is purchasing power in goods, wares and merchandise at the commissary store or other repository of such persons, firms, partnerships or corporations

aforesaid; and providing penalties for failure to redeem, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 19 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

#### Senate Bill No. 31 on Second Reading.

On motion of Senator Small and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 31, A bill to be entitled "An Act creating a lien upon the recovery to guarantee to an attorney-at-law the payment of his fees in cases where the attorney is employed other than on a cash basis."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

#### Senate Bill No. 31 on Third Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 31 be placed in its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—3.

Aikin	Weinert
Hill	

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Beck	Collie
Brownlee	Cotten
Burns	Davis

Head	Redditt
Holbrook	Roberts
Lemens	Shivers
Moore	Small
Neal	Stone
Nelson	Sulak
Newton	Van Zandt
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff

Nays—4.

Aikin	Isbell
Hill	Weinert

Absent—Excused.

Spears

**House Bill No. 1169 on Second Reading.**

Senator Moore, by unanimous consent, moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1169 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—1.

Holbrook

Absent—Excused.

Spears

The President then laid the bill before the Senate.

On motion of Senator Moore and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally to permit consideration of the bill at this time.

The bill was read second time.

Senator Rawlings offered the following (committee) amendment to the bill:

Amend H. B. No. 1169 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. That the official shorthand reporter of each District Court, Criminal District Court, and County Court at Law in each county in the State of Texas having a population in excess of 150,000, according to the last preceding or any future federal census, shall receive a salary of Thirty-six Hundred Dollars (\$3,600) per annum, in addition to the compensation for transcript fees as provided by law. Said salary shall be paid monthly out of the General Fund of the county, on the approval of the Judge of the Court in which said reporter is employed."

The (committee) amendment was adopted.

H. B. No. 1169 then was passed to third reading.

**House Bill No. 1169 on Third Reading.**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1169 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—3.

Aikin	Weinert
Holbrook	

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—21.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Head	Stone
Isbell	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Newton	

## Nays—9.

Aikin	Oneal
Davis	Small
Hill	Weinert
Holbrook	Woodruff
Lemens	

## Absent—Excused.

Spears

## Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 103, A bill to be entitled "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, 1925, and providing that the court may set several capital cases on the same day; providing that only one venire shall be drawn for all capital cases set for the same day; providing each defendant shall be furnished a list of the venire for the day his case is set; providing that court may in his discretion excuse the remainder of the venire, and declaring an emergency."

S. B. No. 207, A bill to be entitled "An Act defining the phrase, 'Served by the sheriff to appear and report for jury service,' as used in Article 2101 of Chapter 7, Title 42, R. S. 1925, so as to authorize the judge drawing the jury to direct that said service may also be made by sending each juror a letter by United States registered mail, notifying him of his jury service; and declaring an emergency."

S. B. No. 208, A bill to be entitled "An Act providing that the sheriff may summons jurors in capital cases

in counties having a city with a population of twenty thousand (20,000) or more, according to the last preceding Federal census, either in person, verbally, or by registered United States mail, as the trial judge in his discretion may order; and declaring an emergency."

(With amendments.)

S. B. No. 309, A bill to be entitled "An Act amending S. B. No. 355, Chapter 338, Regular Session, Acts of the Forty-fourth Legislature, creating the Central Colorado River Authority, vesting the powers of the district in a board of nine directors and prescribing the manner of their appointment and their duties; providing for the fiscal management of the district; providing for the construction of water and for soil conservation projects upon private property and limiting charges, liability and damages in connection therewith; limiting the Authority district to mortgage its properties, or to acquire property subject to mortgage or conditional sale, and providing for the pledging of the revenues of the district and limiting the sale of the properties of the district; providing for the donation and granting by the State of Texas to the district fifty (50%) per cent of the annual current State ad valorem taxes collected in Coleman County for a period of ten (10) years, beginning September 1, 1937; prescribing the manner and methods of collecting said taxes and the payment and disbursement thereof to the district; prescribing necessary details to carry out the intent and purpose of this Act; making an appropriation of Six Thousand (\$6,000.00) Dollars to the district; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

S. B. No. 349, A bill to be entitled "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political division of the State may be made payable at the office of the State Treasurer, designating and constituting the State Treasurer, Ex-officio Treasurer and fiscal agent of such municipalities and political divisions for such purposes, providing for the deposit and payment of funds by municipalities and political divisions with the State Treasurer for such purposes, and declaring an emergency."

S. B. No. 402, A bill to be entitled "An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature creating the Texas National Guard Armory Board and defining its powers and duties; and declaring an emergency."

(With amendments.)

S. B. No. 438, A bill to be entitled "An Act to make it unlawful to barter, sell or exchange any child under the age of fifteen (15) years, or to offer or advertise for barter, sale or exchange any child under the age of fifteen (15) years; prescribing penalties for a violation of this Act, and declaring an emergency."

(With amendments.)

S. B. No. 469, A bill to be entitled "An Act creating a Special Road Law for Motley County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of January 11, 1397, by the issuance of funding bonds, and setting forth the method of operation; providing that the General Laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 23 by a vote of 112 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 1053, by a vote of 108 yeas, 1 nay.

The House has passed the following bills:

S. B. No. 471, A bill to be entitled "An Act empowering and authorizing cities and towns in the State of Texas having a population in excess of 230,000 and not exceeding 232,000, according to the last preceding or any future Federal Census, to enact ordinances governing operation of all motor vehicles upon the public thoroughfares of such cities; providing that said ordinances may require testing and inspecting such motor vehicles at stated times and approval by the testing and inspecting authorities, including the State Highway Patrol; providing certain exceptions thereto; permitting the fixing of penalties for violating said ordinances; authorizing city patrolmen and State Highway patrolmen

in uniform to issue traffic tickets for violations of said ordinances; authorizing such cities to acquire, establish, erect, equip, improve, enlarge, repair, operate, and maintain motor vehicle testing stations to prescribe and collect a fee for such tests and for the disposition of such fees; authorizing said cities to mortgage or encumber said stations to borrow money and issue warrants to finance said stations and to pledge said fees and receipts for payment of said indebtedness; providing a saving clause; repealing all conflicting laws, and declaring an emergency."

(With amendments.)

S. B. No. 489, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not less than 4,750 and not more than 4,850, whether organized under General or Special Law, repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

(With amendments.)

S. B. No. 491, A bill to be entitled "An Act limiting the amount of money to be assessed against candidates for Congress in districts composed of one county, and declaring an emergency."

(With amendments.)

S. B. No. 504, A bill to be entitled "An Act creating a Board for the lease of the land composing the permanent encampment for the Thirty-sixth Division, Texas National Guard, known as Camp Hulen, situated at or near Palacios in Matagorda County, Texas, and providing for the lease or sale of oil and gas and sulphur and other minerals therein and defining the duties and powers of said Board; prescribing the mode and manner of leasing and selling oil, gas and sulphur in said lands, and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expenses of enforcing this Act; and declaring an emergency."

S. B. No. 484, A bill to be entitled "An Act amending Article 6067, Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 77, A bill to be entitled "An Act to amend Sections 1 to 14, inclusive, of Chapter 253, Acts of the Fortieth Legislature, page 373, relative to insurance of motor vehicles; adding Sections 10-a and 11-a; and declaring an emergency."

S. B. No. 84, A bill to be entitled "An Act to provide, with approval of court the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Article 4180 of the Revised Civil Statutes of the State of Texas, 135, Acts 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardians, or loan same, designating certain investments that may be made, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 1103 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1103, A bill to be entitled "An Act amending Section 5 of Chapter 41, Special Laws of the Forty-fourth Legislature, Regular Session, same being H. B. No. 641, by providing that there shall be a closed season on fishing in the waters of Medina Lake in Bandera County, Texas, during the months of February, March and April of each year, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Roberts and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time:

The bill was read second time and was passed to third reading.

#### House Bill No. 1103 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1103 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Concurrent Resolution No. 63.

On motion of Senator Stone the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 63, Authorizing National Biscuit Company to sue the State.

The President laid the resolution before the Senate and it was adopted.

#### Senate Bill No. 513 on Second Reading.

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 513, A bill to be entitled "An Act providing relief for the Vienna Common School District No. 50 in Lavaca County in replacing and repairing damage to buildings and equipment caused by a calamitous flood resulting from a cloudburst on July 1st, 1936, making an appropriation for said districts to replace and repair such damage, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Sulak and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 513 on Third Reading.**

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 513 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**Nays—1.**

Isbell

**Absent—Excused.**

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert

Westerfeld  
Winfield

Woodruff

**Nays—1.**

Isbell

**Absent—Excused.**

Spears

**House Bill No. 483 on Second Reading.**

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 483, A bill to be entitled "An Act to amend Section 7, of Chapter 62, pages 131-133, of the General and Special Laws of the State of Texas passed by the Forty-third Legislature at its Second Called Session, 1934, of the State of Texas; to further define a nuisance and provide for the punishment of certain persons and peace officers and organizations who knowingly permit and accept receipts from any contest enumerated and referred to in said Chapter 62, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Van Zandt and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 483 on Third Reading.**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 483 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers

Small	Weinert
Stone	Westerfeld
Sulak	Winfield
Van Zandt	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

#### House Bill No. 1140 on Second Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1140 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate.

On motion of Senator Burns and by unanimous consent, Senate Rule No. 48 was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 1140 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill No. 150 With House Amendment.

Senator Westerfeld called up S. B. No. 150 from the President's table for consideration of the House amendment.

The President laid the bill before the Senate and the House amendment was read.

Senator Westerfeld moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

## Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

## Absent—Excused.

Spears

## Committee Substitute for Senate Bill No. 198 on Second Reading.

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

C. S. for S. B. No. 198, A bill to be entitled, "An Act amending Chapter 11 of Title 49 of the Revised Civil Statutes by adding thereto a new article to be known as Article 2687b, providing that boards of trustees of common and independent school districts and county boards of trustees shall purchase all passenger automobiles, trucks, busses and other motor equipment only through the State Board of Control; and requiring adoption of a resolution by a majority of the members of such boards at a regular meeting requesting the State Board of Control to purchase such motor equipment and providing what facts shall be set forth in such resolution, and requiring the execution of a requisition for such equipment and transmission thereof to the State Board of Control; and providing that the State Board of Control shall determine the type of equipment to be used, and for the standardization of such equipment throughout the State, and fixing the type of glass to be used in certain of such motor equipment, and requiring all purchases under this Act to be upon competitive bids, and repealing all laws and parts of laws in conflict herewith and declaring an emergency."

The President laid the bill before

the Senate, it was read second time and was passed to engrossment.

## Committee Substitute for Senate Bill No. 198 on Third Reading.

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for S. B. No. 198 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

## Nays—1.

Aikin

## Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

## Nays—2.

Aikin

Isbell

Absent—Excused.

Spears

**House Bill No. 940 on Second Reading.**

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 940, A bill to be entitled "An Act making theft of wool or mohair or edible meat a felony; prescribing penalties therefor, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 940 on Third Reading.**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 940 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—2.

Brownlee

Burns

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Brownlee
Beck	Burns

Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Lemens  
Moore  
Neal  
Nelson  
Newton  
Oneal

Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Absent—Excused.

Spears

**House Bill No. 646 on Second Reading.**

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 646, A bill to be entitled "An Act providing that persons, firms or corporations, who operate or conduct hotels, cafes, restaurants, dining cars or other public eating places, bakeries and meat markets in this State shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; etc., and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 646 on Third Reading.**

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 646 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Beck	Moore
Brownlee	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers
Lemens	Small

Stone	Westerfeld
Sulak	Winfield
Van Zandt	Woodruff
Weinert	

Nays—1.

Aikin

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—1.

Aikin

Absent—Excused.

Spears

#### House Bill No. 995 on Second Reading.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 995 A bill to be entitled "An Act providing a closed season on quail and doves in Callahan and Eastland Counties, Texas, for a period of three (3) years; providing a penalty for the violation of the terms of this Act, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Collie offered the following amendment to the bill:

Amend H. B. No. 995 by striking out all of line 2, Section 1, and in-

sert in lieu thereof the following: "kill any quail in Callahan County, Texas," and further amend by striking out the following words in line 1, page 2: "and Eastland Counties" and substitute in lieu thereof the word "county," and by striking out all of Section 1a.

Amend the caption to conform to the body of the bill.

The amendment was adopted.

H. B. No. 995 was passed to third reading.

#### House Bill No. 995 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 995 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings
Holbrook	Redditt

Roberts	Van Zandt
Shivers	Weinert
Small	Westerfeld
Stone	Winfield
Sulak	Woodruff

Absent—Excused.

Spears

**Senate Bill No. 477 With House Amendments.**

Senator Oneal called up from the table for consideration at this time the motion to concur in the House amendments to S. B. No. 477, the motion having been tabled subject to call today.

The motion prevailed by the following vote:

Yeas—26.

Beck	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Winfield

Nays—4.

Aikin	Burns
Brownlee	Woodruff

Absent—Excused.

Spears

**Conference Committee on Senate Bill No. 405.**

The President announced the appointment of the following conference committee on the part of the Senate on S. B. No. 405:

Senators Collie, Roberts, Aikin, Stone and Lemens.

**Adjournment.**

On motion of Senator Redditt, the Senate, at 10:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

**APPENDIX.****Bills Filed in Department of State.**

Austin, Texas, May 11, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list

of bills and resolutions passed by the Forty-fifth Legislature, which were filed in this office Monday, May 10, 1937:

**S. B. No. 80:**

Vote in Senate, yeas 28, nays 0.

Vote in House, yeas 106, nays 0.

Date signed by the Governor, May 10, 1937.

**S. B. No. 386:**

Vote in Senate, yeas 25, nays 3.

Vote in House, yeas 133, nays 1.

Date signed by the Governor, May 3, 1937.

**H. B. No. 51:**

Vote in Senate, viva voce.

Vote in House, yeas 122, nays 1.

Date signed by the Governor, May 10, 1937.

**H. B. No. 216:**

Vote in Senate, yeas 30, nays 0.

Vote in House, viva voce.

Date signed by the Governor, May 10, 1937.

**H. B. No. 650:**

Vote in Senate, yeas 30, nays 0.

Vote in House, yeas 121, nays 1.

Date signed by the Governor, May 10, 1937.

**H. B. No. 759:**

Vote in Senate, yeas 19, nays 9.

Vote in House, viva voce.

Date signed by the Governor, May 10, 1937.

**H. B. No. 790:**

Vote in Senate, yeas 31, nays 0.

Vote in House, viva voce.

Date signed by the Governor, May 10, 1937.

**H. B. No. 970:**

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 119, nays 0.

Date signed by the Governor, May 10, 1937.

**H. B. No. 984:**

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, May 10, 1937.

**H. B. No. 1010:**

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 111, nays 0.

Date signed by the Governor, May 10, 1937.

**H. B. No. 1035:**

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, May 10, 1937.

H. B. No. 1122:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 111, nays 0.  
Date signed by the Governor, May 10, 1937.

Bills filed Wednesday, May 12, 1937:

H. B. No. 441:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, viva voce.  
Date signed by the Governor, May 4, 1937.

H. B. No. 971:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 119, nays 0.  
Date signed by the Governor, May 10, 1937.

Assuring you of my sincere pleasure in performing this service, I am  
Yours very truly,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

#### Reports of Standing Committees.

Committee Room,  
Austin, Texas, May 10, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 515, A bill to be entitled "An Act to amend House Bill No. 750 as passed by the Forty-fifth Legislature, Regular Session, providing an open season for the killing of wild mourning doves and white winged doves in the North Zone and South Zone as outlined and defined in Article 878 of the Penal Code of the State of Texas, 1925, as amended by Chapter 222, Acts of the Forty-fourth Legislature, Regular Session, creating a New Zone to be known as the Gulf Coastal Zone, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, May 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 967, A bill to be entitled

"An Act to provide that in all cases of delinquent taxes for the year 1936 and all prior years where it appears that an assessment has been made at a valuation excessive and unreasonable, the Commissioners' Court shall be authorized to correct or reduce such values on the request of the Tax Collector; providing that cities, towns, villages, school districts, road districts, levy improvement districts, water improvement districts, water control and improvement districts, irrigation districts, and all other political subdivisions authorized to assess and collect taxes, and the governing authorities thereof may also correct and reduce such excessive and unreasonable values, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 1061, A bill to be entitled "An Act requiring owners of cattle affected with Bang's disease to brand and tag them for identification after they have been tested and found to have such diseases, and providing a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, May 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation, and Drainage, to whom was referred

H. B. No. 832, A bill to be entitled "An Act to create the San Jacinto River Conservation and Reclamation District, under the authority of Section 59 of Article 16, of the Constitution of Texas, and defining the powers and duties of the said District; providing for temporary Directors and organization and operation of the District; and the authority and duties of said temporary Di-

rectors; providing for determining the area of the District for temporary organization and for permanent organization; excepting that portion of the watershed of said River lying within Harris County; providing certain duties for the State Board of Water Engineers, State Reclamation Engineers, and the Governor of the State; providing for the manner of securing funds for engineering surveys and other purposes necessary to develop information essential to the ascertainment of the plan of improvement necessary to secure control of harmful flood waters, and the useful distribution of such waters, providing that the said District shall be governed by the provisions of Chapter 25, of the General Laws of the Regular Session of the Thirty-ninth Legislature and the various amendments thereto, in all respects not specifically otherwise provided in this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HILL, Chairman.

Committee Room,  
Austin, Texas, May 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1140, A bill to be entitled "An Act to repeal Chapter 20 of the Special Laws of the Regular Session of the Forty-fourth Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1169, A bill to be entitled "An Act fixing the compensation of official shorthand reporters in District Courts in all counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding or any future Federal Census, providing methods of payment, re-

pealing all laws and parts of laws in conflict to the extent of such conflict only, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, May 12, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1135, A bill to be entitled "An Act declaring it unlawful to take any fish from the waters of Hunt and Rains Counties, Texas, other than by ordinary hookline, setline, or throwline, or by ordinary cordline, seine, or net, the meshes of which are less than one and one-half inches square; provided that any such seine or net may be used during the period from March 1st through September 30th of each year; fixing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, May 10, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 161, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas to supplement appropriations made by the Regular Session of the 44th Legislature for the maintenance and administration of the Judiciary and to pay expenses of attached witnesses and witness in felony cases; to pay deficiency certificates already issued against such appropriations in the future, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, May 12, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 513, A bill to be entitled "An Act providing relief for the Vienna Common School District No. 50 in Lavaca County in replacing and repairing damage to buildings and equipment caused by a calamitous flood resulting from a cloudburst on July 1st, 1936, making an appropriation for said districts to replace and repair such damage, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, May 12, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 66 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

#### SEVENTY-FIFTH DAY.

(Thursday, May 13, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

The following Senator was absent and excused:

Weinert

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings yesterday was dispensed with, on motion of Senator Aikin.

#### Reports of Standing Committees.

Reports on House Bills Nos. 855, 1178, 1175, 538 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Leave of Absence Granted.

Senator Weinert was granted leave of absence for today, on account of important business, on motion of Senator Holbrook.

#### Senate Bill No. 402 with House Amendments.

Senator Davis called up Senate Bill No. 402 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Davis moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Davis, Rawlings, Aikin, Lemens and Head.

#### Senate Joint Resolution No. 17 on First Reading.

The following joint resolution was introduced, read first time and referred to the Committee on Constitutional Amendments:

By Senator Rawlings:

S. J. R. No. 17, Proposing an amendment to Article III, Section 5, of the Constitution of Texas, providing for the time and duration of meeting of the Legislature; providing for submission to the people at a general election; providing for the issuance by the Governor of proclamation for such election; and appropriating the funds necessary to pay for such election.